IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.530 OF 2005

IN

A.O.NO.473 OF 2005

IN

S.C.SUIT NO.1574 OF 2005

Paramjeet Kaur w/o. Mukhtar Singh .. Applicant
vs.
Ashok Leyland Finance Ltd. .. Respondent.

Mr.G.S.Godbole i/b. M/s. Khilani & Co. for the Applicant.
Mrs.Shakuntala Joshi for the Respondent.

CORAM : A.S.OKA, J.
DATED : 2nd May, 2005.

P.C. :

1. Rule. Respondent waives service. Taken up for hearing forthwith.

2. It is not in dispute that as per the order dated 12th April, 2004 the Appellant has deposited a sum of Rs.35,000/- with the Respondent. The Appellant is not entitled to any unconditional interim relief. It is stated that the outstanding amount due and payable as on today is Rs.73,391/-. The Appellant will have to pay a further amount of Rs.30,000/- within a period of four weeks from today. The Appellant will have to also keep on

paying the monthly instalments from May 2005 onwards.

3. Hence Civil Application is disposed of by passing the following order:

i) There will be interim relief in terms of prayer clause (a) subject to the Appellant depositing with the Respondent a sum of Rs.30,000/- on or before 31st May, 2005 and the Appellant paying monthly instalment regularly to the Respondent from May 2005 subject to further condition that the instalment for the period of May will be paid on or before 6th June 2005.

ii) If compliance is not made by the Appellant, interim relief will stand vacated without reference to the Court.

iii) Pendency of the Appeal will not operate as stay of hearing of Notice of Motion and the learned Judge will be free to proceed with the hearing of the Notice of Motion in accordance to law.

. Parties to act on the authenticated copy of

this order.